

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT 2001, PRESIDING

November 7, 2001

A. CALL TO ORDER

The November 7, 2001, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

Chief Deputy Charlie Brown of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach-----District 2
Supervisor Gerald Clifton-----District 3
Supervisor John Caldwell-----District 4
Supervisor Tommy Lewis-----District 5
W. E. Sluggo Davis-----Chancery Clerk
James Albert Riley -----Sheriff
David Armstrong-----County Administrator
Tony Nowak -----Board Attorney

B. INVOCATION

Captain Johnny Combs presented the invocation.

C. PLANNING COMMISSION

The Planning Commission brought several items before the Board of Supervisors as evidenced by the portion of the minutes submitted by the Planning Commission.

****See Exhibit C****

D. LEGISLATIVE REQUESTS

Representative John Mayo, Representative Wanda Jennings, Representative Valeria Robertson and Senator Bobby Chamberlin appeared before the Board of Supervisors to receive the County's legislative requests for the coming year. County Administrator David Armstrong welcomed the delegation and thanked the delegation for their success for DeSoto County during the past year.

Mr. Armstrong cited the increase in sales taxes paid by DeSoto County, the increase in income tax paid by DeSoto County, and the increase in population growth within DeSoto County in the past years. The delegation and the Board of Supervisors discussed the items included on the Legislative Request List and included herewith as Exhibit D.

Regarding the Homestead Exemption Loss, Representative Valeria Robertson said she put in a Bill to address this issue and will reintroduce the Bill this year.

Regarding the sharing of Gaming Revenues, County Administrator David Armstrong said the cost to support gaming does extend past County lines. Supervisor Jessie Medlin clarified that the County is not asking for Tunica and Coahoma Counties to share their portion of the

ITEM D, CONTINUED,

revenue, but they are asking for the State to share their portion of the revenue. Representative Wanda Jennings requested the Board continue to remind the Delegation of this request; however, she thought the issue could best be worked in the background and with other Counties who have similar requests.

Regarding the State support for the Health Department, County Administrator David Armstrong said that as the Health Department has more and more requests for service put on them, they ask for more and more County support to handle these service. Supervisor Jessie Medlin said the County built a building in Olive Branch for the Health Department, and the State was going to staff the facility five days a week. They are now open to the public four days a week.

Regarding old Hwy. 304 to remain in the State Highway system , County Administrator David Armstrong said when the new Hwy 304 is built, it is planned for the old Hwy 304 to go under County maintenance. The Board of Supervisors explained that this would create a big burden on DeSoto County and much of the DeSoto County road budget would have to be redirected to this road. Representative John Mayo said it may be possible to have this route designated as a Bypass Road for I-69.

The County requested the State increase funding for MDOT so that various projects throughout DeSoto County could be accomplished, specifically improvements to Hwy 305 between Olive Branch and Lewisburg, improvements to Germantown Road, and improvements to Hwy 51 South of Church Road.

Regarding adding Hwy 301 to the State Highway system, the Board discussed that a portion of Hwy 301 is broken out from State maintenance even though the County has upgraded and improved this portion of the roadway to State standards.

Regarding the use of radar by the DeSoto County Sheriff's Department, Representative Valeria Robertson said she will not reintroduce that Bill again unless the entire DeSoto County delegation pledges their support to the issue, MAS pledges their support to the issue and the Sheriff's Association pledges their support to the issue.

Regarding the Construction of a Welcome Center on Hwy 78 in Olive Branch, Representative Wanda Jennings said she has been working with the Tourist Bureau. Ms. Jennings suggested opening a Welcome Center at the location. She said it was possible to work with the National Guard to receive partial funding. Ms. Jennings said that they received official notification that the Guard would be coming to the area. There are presently 22 spots that have been shifted from Camp Shelby. They have asked for 2,000 to 3,000 square feet for a facility, and it is very possible to take advantage of their funding to get a Welcome Center on Hwy 78.

Regarding a separate Circuit District for DeSoto County, Senator Bobby Chamberlin said this has some possibilities, but the State is probably not going to address the issue until they redraw the District.

Regarding election year restrictions, the County asked the Delegation to readdress restrictions placed on the County during election years which greatly limits and impacts high growth Counties.

Regarding authorizations of the Counties to correct drainage problems on private property, Mr. Armstrong explained that the Cities can work on private property to correct drainage problems, but the County can not. Representative Valeria Robertson requested the County get an Attorney General's Opinion on this issue. Mrs. Robertson reacknowledged that the County has major problems in this area. The Board of Supervisors asked the Board Attorney to get an official Opinion regarding the authorization for Counties to correct drainage problems on private property.

Regarding expediting the transfer of lunacy patients, County Administrator David Armstrong
ITEM D, CONTINUED,

explained the expense and liability placed on the County when they are forced to house lunacy patients for an extended periods of time while they await transfer to a State facility. Regarding funding for Death Row Appeals, the State passed Legislation to address the issue of Death Row Appeals, but funding was not allocated to support the Legislation. The County asked for funding to occur in this area.

Regarding aerial photography for property reappraisals, the County requested the State look at the requirements for flying Counties and readdress the requirements for Counties which have implemented a GIS system.

The Board of Supervisors thanked the Legislative Delegation for attending the meeting and hearing DeSoto County’s concerns. Representative John Mayo suggested the County get in touch with Pete Johnson—some of the road problems may be answered through his office.

****See Exhibit D****

E. OLD BUISINESS

1. Appointment to the Port Commission

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over until November 19th. The motion passed by a unanimous vote.

2. RUA Interest on Loan

County Administrator David Armstrong notified the Board that he has asked Demry Grubbs to give the average interest paid on DeSoto County bonds and loans. He was unable to get that information before the Board Meeting and asked to carry over this item. Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to hold this item over until November 19th, 2001.

3. Inventory Control Disposition—Operations and Maintenance

At the recommendation of the Inventory Control Clerk, Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to set the disposition of the completed request for operations and maintenance as listed in Exhibit E.3. The motion passed by a unanimous vote. ****See Exhibit E.3 ****

4. Approval of Planning Commission October Minutes

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to approve the minutes for the month of October, 2001. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	NO
Supervisor Tommy Lewis	YES

F. NEW BUSINESS

1. Hernando Chamber of Commerce – Request to Use Administration Building for Christmas Open House, Sunday, November 18th

ITEM F.1, CONTINUED,

At the request of Merritt Riechle, of the Hernando Chamber of Commerce, Supervisor

John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve use of the Administration Building for the Christmas Open House for the City of Hernando on November 18, 2001. The motion passed by a unanimous vote.

2. Making Attorney General’s Approval of Interlocal Agreement with HLCDD Part of the Minutes

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve making the Attorney General’s approval of the Interlocal Agreement with the Horn Lake Creek Drainage District a part of the minutes. The motion passed by a unanimous vote. ****See Exhibit F.2****

3. Making the Cities Approval of the Policy for the County to Stripe Streets Within the City Limits Part of the Minutes

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to make the Cities approval of the Policy for the County to stripe streets within the City limits part of the minutes. The motion passed by a unanimous vote. **** See Exhibit F.3****

4. Jail Inspection

The Board of Supervisors were presented with a sample form to assure the Jail Inspections were approved according to state law. This form was created by the Chamberlin Nowak Law Firm and presented for the Board’s Approval.

The Board does hereby find that, pursuant to Section 19-5-1 of the Mississippi Code Annotated, that periodic examinations into the state and condition of the DeSoto County Jail, in regards to its safety, sufficiency and accommodation of the prisoners is required. Pursuant to Section 19-5-1 the Board of Supervisors, or a competent person authorized by the Board of Supervisors, shall examine the jail for said compliance. The DeSoto County Board of Supervisors has a policy of attempting to inspect the DeSoto County Jail on a monthly basis and a requirement that the DeSoto County Jail be inspected as often as is mandated by Mississippi statute, State and/or Federal law. By direction of the DeSoto County Board of Supervisors, the following persons were directed pursuant to Section 19-5-1 to perform the required examination into the state and condition of the jail and to report back to the DeSoto County Board of Supervisors:

1. Supervisor Jessie Medlin
2. Supervisor Eugene Thach
3. Supervisor Gerald Clifton
4. Supervisor John Caldwell
5. Supervisor Tommy Lewis

The DeSoto County Board of Supervisors does hereby find that the above named committee has reported back to the DeSoto County Board of Supervisors. That at least two(2) of them have examined the DeSoto County Jail regarding its state and condition in regard to its safety, sufficiency and accommodation of the prisoners, and do find the jail to be in compliance and requiring no further legal action at this time.

The DeSoto County Board of Supervisors does hereby adopt the report made by the above listed committee, being members of the DeSoto County Board of Supervisors, and directs this resolution to be made part of the minutes of the DeSoto County Board of Supervisors. The Board of Supervisors discussed their inspection of the Jail on November 5th. Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to approve the form presented by the Chamberlin Nowak Law Firm, and further, the motion included that the Board does hereby find that, pursuant to Section 19-5-1 of the Mississippi Code Annotated, that periodic examinations into the state and condition of the DeSoto County Jail, in regards to its safety, sufficiency and accommodation of the prisoners is required. Pursuant to Section 19-5-1 the Board of Supervisors, or a competent person authorized by the Board of Supervisors, shall examine the jail for said

ITEM F.4, CONTINUED,

compliance. The DeSoto County Board of Supervisors has a policy of attempting to inspect the DeSoto County Jail on a monthly basis and a requirement that the DeSoto

County Jail be inspected as often as is mandated by Mississippi statute, State and/or Federal law. By direction of the DeSoto County Board of Supervisors, the following persons were directed pursuant to Section 19-5-1 to perform the required examination into the state and condition of the jail and to report back to the DeSoto County Board of Supervisors.

The DeSoto County Board of Supervisors does hereby adopt the report made by the above listed committee, being members of the DeSoto County Board of Supervisors, and directs this resolution to be made part of the minutes of the DeSoto County Board of Supervisors.

Pursuant to Section 19-5-1 of the Mississippi Code Annotated, periodic examinations into the state and condition of the DeSoto County Jail in regards to its safety, sufficiency and accommodation of the prisoners is required. The motion passed by a unanimous vote.

By direction of the Board of Supervisors, the following persons were directed, pursuant to 19-5-1 to perform the required examination into the state and condition of the County Jail and report back to the Board of Supervisors. ****See Exhibit F.4****

5. Replacement of Gravel at Hernando Country Club

Supervisor Tommy Lewis reminded the Board of Supervisors that he had mentioned the mud and silt that washed on to the Country Club during the construction of McIngvale Road. Supervisor Lewis said he failed to mention the yard at the maintenance shed. The mud also washed over the gravel, and they need a couple of loads of gravel at the Maintenance facility. Based on the fact the County caused the dirt to wash on to the Maintenance facility yard during the construction of McIngvale Road, Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to deliver and spread two loads of gravel at the Hernando Country Club Maintenance Facility. The motion passed by a unanimous vote.

6. District 4 Park Fund—Horn Lake Park Fund

In accordance with the Interlocal Agreement with the City of Horn Lake, Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve half of the park lighting cost, to be reimbursed to the City of Horn Lake from the District 4 Park Fund. The total amount of the bill was \$9,993.10, therefore making the County's portion from the District 4 Park Fund at \$4,996.55. The motion passed by a unanimous vote. ****See Exhibit F.6****

7. Chamberlin Nowak - Independent Contract Agreement

County Administrator David Armstrong presented and amendment to the contract between the DeSoto County Board of Supervisors and the Chamberlin Nowak Law Firm to explain the items that would be billed outside of the monthly retainer. Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to amend the contract with the Chamberlin Nowak Law Firm to include the items presented in the proposed amendment to the Independent Contractor Agreement for legal services as explained in Exhibit E.7. ****See Exhibit E.7****

G. EXECUTIVE SESSION

The executive session portions of these minutes are recorded under the portion of the minutes called "Executive Session".

CONTINUED,

H. OTHER ISSUES

1. IKON Copier Contract

At the recommendation of Vanessa Lynchard, Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to approve the contract between IKON/IOS Capital for a copier in the extension office. As explained in Exhibit H.1 and to extend seven months, the motion passed by a unanimous vote. ****See Exhibit H.1****

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion, to recess the meeting until November 19, 2001 at 9:00 am. The motion passed by unanimous vote.

THIS the 7th day of November 2001, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors